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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,449	08/28/2000	Piotr Costa	004770.00589	5441
22907	7590	10/23/2006	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			LANIER, BENJAMIN E	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/648,449	COFTA, PIOTR	
	Examiner Benjamin E Lanier	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 September 2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,4,6-9,23,27-32,36 and 37 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,4,6-9,23,27-32,36 and 37 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 28 August 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed 11 September 2006 amends claims 1, 4, 6, 8, and 23.

Claims 36 and 37 have been added. Applicant's amendment has been fully considered and entered.

Response to Arguments

2. Applicant's arguments filed 11 September 2006 have been fully considered but they are not persuasive. Applicant's argument that Geiger "only discloses one communication pathway as compared to the claimed two communication pathways," is not persuasive because Geiger shows a first communication pathway between the wireless device (Figure 4, element 450) and any particular merchant server (Figure 4, elements 404-406), and Geiger also discloses that verification of the merchant server certificate can be accessed by the wireless device using a web site listing posted by a wireless service provider (Col. 13, lines 17-21). Such a communication path between the wireless device and the posted web site would be a different path than used by the wireless device to access the merchant servers.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: control point and the door. If the authentication of an action is

performed at a control point (as claimed in claim 1), and the action is access control to a door (as claimed in claim 8), a structural relationship must exist between the control point and the door for access control to the door to be performed.

5. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: how the claimed control point provides access control to a door as claimed.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 4, 6, 7, 9, 23, 27-32, 36, 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Geiger, U.S. Patent No. 6,463,534. Referring to claims 1, 4, Geiger discloses an electronic commerce system within a wireless network domain wherein a mobile client checks the validity of a merchant server with the network upon first use or periodically (Col. 13, lines 13-15), which meets the limitation of obtaining information from said control point by said token via a second communication pathway, transmitting via said first communication pathway through said network from said token said information obtained from said control point, said information being transmitting to said network from said token, wherein the token is a mobile wireless communication device that communicates with a token issuer using a wireless

communication path in at least part of said first communication pathway. Geiger shows a first communication pathway between the wireless device (Figure 4, element 450) and any particular merchant server (Figure 4, elements 404-406), and Geiger also discloses that verification of the merchant server certificate can be accessed by the wireless device using a web site listing posted by a wireless service provider (Col. 13, lines 17-21). Such a communication path between the wireless device and the posted web site would be a different path than used by the wireless device to access the merchant servers. A validation server performs the validity check procedure for mobile client and returns the result (Col. 13, lines 16-19), which meets the limitation receiving at said token via said first communication pathway an authentication of said control point. Once authenticated the mobile client provides authentication information to the attribute authority in order to authenticate the mobile client (Col. 13, lines 26-65), which meets the limitation of transmitting via said network from said token information regarding said token via said second communication pathway. Once authentication of the token and the requested transaction has occurred, a voucher is generated by the authenticating attribute authority (Col. 14, lines 63-64). This voucher can then be transmitted back to the token (Col. 15, lines 6-10), which meets the limitation of receiving at said token an authentication of said token. Once received, the token can transmit the voucher to the next attribute authority in the virtual wireless mall with which the token wishes to do business (Col. 15, lines 9-10), which meets the limitation of transmitting to said control point said authentication of said token.

Referring to claim 6, Geiger discloses an electronic commerce system within a wireless network domain wherein a mobile client checks the validity of a merchant server with the network upon first use or periodically (Col. 13, lines 13-15). Once authenticated the mobile

client provides authentication information to the attribute authority in order to authenticate the mobile client (Col. 13, lines 26-65). Once authentication of the token and the requested transaction has occurred, a voucher is generated by the authenticating attribute authority (Col. 14, lines 63-64), which meets the limitation of wherein said control point authorizing said action based on authentication of said token.

Referring to claim 7, Geiger discloses that the transactions are electronic commerce transactions (Col. 1, lines 6-11), which meets the limitation of a financial transaction.

Referring to claim 9, Geiger discloses that during the validation of the merchants, the mobile client is notified as to the status of the merchant as a trusted domain member (Col. 13, lines 17-21), which meets the limitation of said authenticating said control point comprises notifying said user whether said control point has authorization for said action.

Referring to claims 23, 29, 30, 32, Geiger discloses an electronic commerce system within a wireless network domain wherein a mobile client checks the validity of a merchant server with the network upon first use or periodically (Col. 13, lines 13-15), which meets the limitation of a wireless communication portion that obtains information via a first communication path regarding said control point, the device is a mobile communication device, communication authenticating said control point over said network, said communication portion is temporarily coupled to said device. A validation server performs the validity check procedure for mobile client and returns the result (Col. 13, lines 16-19), which meets the limitation of communicates wirelessly via a second communication path with an external entity to authenticate said control point based on said information. Geiger shows a first communication pathway between the wireless device (Figure 4, element 450) and any particular merchant server

(Figure 4, elements 404-406), and Geiger also discloses that verification of the merchant server certificate can be accessed by the wireless device using a web site listing posted by a wireless service provider (Col. 13, lines 17-21). Such a communication path between the wireless device and the posted web site would be a different path than used by the wireless device to access the merchant servers. Once authenticated the mobile client provides authentication information to the attribute authority in order to authenticate the mobile client (Col. 13, lines 26-65). Once authentication of the token and the requested transaction has occurred, a voucher is generated by the authenticating attribute authority (Col. 14, lines 63-64), which meets the limitation of authenticating the user to the control point to perform the action using the control point, communication authenticating said user device over said network. This voucher can then be transmitted back to the token (Col. 15, lines 6-10), which meets the limitation of receiving at said token an authentication of said token. Once received, the token can transmit the voucher to the next attribute authority in the virtual wireless mall with which the token wishes to do business (Col. 15, lines 9-10), which meets the limitation of said wireless communication portion configured to transmit via said first communication path authentication of said device to the control point after having been received from said network via said second communication path. The mobile client has a display (Figure 1), which meets the limitation of a user interface portion, coupled to said communication portion, to indicate a result of said authentication of the control point to a user, said user interface notifies said user whether said control point has authorization for said action, said user interface portion comprises a display device.

Referring to claim 27, Geiger discloses that the transactions are electronic commerce transactions (Col. 1, lines 6-11), which meets the limitation of a financial transaction.

Referring to claim 28, Geiger discloses that the action is user access of software, service or other content item (Abstract), which meets the limitation of action comprising access control.

Referring to claim 31, Geiger discloses that the client device contains a SIM card that contains user and device information (Col. 11, line 64 – Col. 12, line 8), which meets the limitation of a card that connects with said communication portion, said card containing information regarding one of said device and said user.

Referring to claims 36, 37, dictionary.com defines toll as being “a tax, duty, or tribute, as for services or use of facilities.” Geiger discloses that the electronic commerce system can be configured to provide the mobile client with metered services (Col. 8, lines 20-27), which meets the limitation of toll collecting because funds would be collected for the services on a metered basis.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

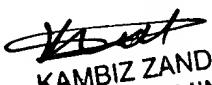
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E. Lanier whose telephone number is 571-272-3805.

The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Benjamin E. Lanier


KAMBIZ ZAND
PRIMARY EXAMINER